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CAM: 8907-087-999

Operator's initials

Re:

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**Message:**


The following courtesy copies are being sent at Examiner Goldberg's request. Attached are a copy of the Corrected Response to Restriction Requirement originally filed with the Patent Office on July 3, 2003, and a copy of the Response to Restriction Requirement filed March 28, 2003 with the Patent Office.

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MPI-15073v1

**Jones, Day, Reavis & Pogue**ATLANTA • BRUSSELS • CHICAGO • CLEVELAND • COLUMBUS • DALLAS • FRANKFURT • HONG KONG • HOUSTON • IRVINE • LONDON • LOS ANGELES  
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PAGE 1/9 \* RCVD AT 2/12/2004 3:43:03 PM [Eastern Standard Time] \* SVR:USPTO-EFXXRF-1/24 \* DNIS:2730743 \* CSID:6507393900 \* DURATION (mm-ss):01-56

Express Mail No.:	EV 313 841 081 US
Date Mailed:	July 3, 2003
Serial Number:	09/497,957
Filing Date:	February 4, 2000
Inventors:	THOMAS et al.
For:	PLASMIDS COMPRISING NUCLEIC ACIDS FROM THE HEREDITARY HEMOCHROMATOSIS GENE
Enclosed:	
1)	Corrected Response to Restriction Requirement; and
2)	Return Postcard.
File No.	<u>8907-087-999</u>
Sender:	<u>BBM/drm</u>



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Express Mail No.: EL 313 841 081 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE RECEIVED

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Application of: THOMAS et al.

FEB 12 2004

Serial No.: 09/497,957

Group Art Unit: 1644

Filed: February 4, 2000

Examiner: DECLoux, A.

For: PLASMIDS COMPRISING NUCLEIC  
ACIDS FROM THE HEREDITARY  
HEMOCHROMATOSIS GENE

Attorney Docket No.:8907-087-999

CORRECTED RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the outstanding Office Action dated February 11, 2003 (Paper No. 12), an incomplete Response to Restriction was filed on March 28, 2003. In response to the Office Communication dated June 3, 2003 (paper No. 16) a Corrected Response to Restriction Requirement is being filed. Please consider the following election and remarks.

Applicants did previously submit concurrently herewith a Petition For Extension of Time for one (1) month from March 11, 2003, up to and including April 11, 2003 for the original Response to Restriction Requirement filed March 28, 2003.

CA1:348214.1

REMARKS

In response to the requirement for restriction, Applicants elect, without traverse, Group A, directed to a plasmid comprising a sequence unique to SEQ ID NO:1, 3, 5 or 7 or the complement thereof.

In response to the species election requirement under 35 U.S.C. 121, Applicants elect SEQ ID NO:1 for immediate examination. Upon allowance of a generic claim, the Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

As well, Applicant is required Under 37 U.S.C. 121 to elect a single disclosed species for each of Groups B, C and D, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

In response to the species election requirement under 35 U.S.C. 121, Applicants elect SEQ ID NO:1 for Group B. With regard to Group C, Applicants elect a plasmid comprising an oligonucleotide comprising at least 8 consecutive oligonucleotides. Finally, with regard to Group D, Applicants elect SEQ ID NO:1.


Applicants respectfully request that the above-made remarks be made of record in the file history of the present application.

CONCLUSION

Examination of the elected claims is respectfully requested. No fee beyond the extension of time fee is believed due in connection with this response. However, should the Commissioner determine otherwise, he is authorized to charge any required fee or credit any overpayment to Pennie & Edmonds LLP Deposit Account No. 16-1150 (order no. 8907-087-999).

Respectfully submitted,

Date July 3, 2003

  
Birgit Millauer

43,341

(Reg. No.)

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